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Draft report

Issues that need further clarificaiton: traditional forest-related knowledge (programme element II.d (ii))

Conclusions

1. The involvement of indigenous people and local communities (including indigenous people and other forest-dependent people practising traditional lifestyles, forest owners and local communities, many of whom possess important traditional forest-related knowledge; see General Assembly resolution A/S-19/2, annex, para. 37) and the understanding and use of their traditional knowledge, as well as recognition of their rights to the natural resources in their traditional areas within national laws and jurisdiction, can support the formulation, design, implementation and monitoring of policies towards sustainable forest management. The sharing and application of this knowledge can help interested parties to avoid procedures that impact unfavourably on ecosystems and local social systems. Traditional knowledge can complement new technologies, and might be adapted and used more widely. In this context, the Intergovernmental Forum on Forests (IFF) recalled relevant Intergovernmental Panel on Forests (IPF) proposals for action (in particular, E/CN.17/1997/12, para. 40 (r)).

2. IFF recognized the need to further explore the modalities for promoting greater recognition, respect and protection of traditional forest-related knowledge involved in sustainable forest management. Further understanding of the role of traditional forest-related knowledge in sustainable forest management can be achieved by identifying traditional systems that promote management, conservation and sustainable use of forest resources, in accordance with article 8 (j) and other provisions of the Convention on Biological Diversity and proposals for action derived from the IPF/IFF process.

3. Several processes relevant to the application and development of legal and other forms of protection of traditional forest-related knowledge are being addressed through different

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international organizations and instruments. There should be a close cooperation and coordination between the work of the Convention on Biological Diversity and the implementation of IPF/IFF proposals for action. While recognizing the importance of the work of the World Intellectual Property Organization (WIPO) and the Convention and of effective protection mechanisms for traditional knowledge systems and practices, and recalling the proposed memorandum of understanding between WIPO and the Convention, IFF stressed the importance of ongoing work to develop a common appreciation and understanding of the relationship between the intellectual property rights, *sui generis* or other relevant systems for protection, and the Convention on Biological Diversity.

4. In keeping with Agenda 21, chapter 26, and also noting the relevant International Labour Organization (ILO) convention, IFF recognized the critical importance of the rights of indigenous and local communities to participate in the conservation and management of all types of forests and forest biological resources.

5. IFF noted and welcomed the establishment of the Ad Hoc Open-ended Inter-sessional Working Group on article 8 (j) and related provisions of the Convention on Biological Diversity, in which indigenous and local communities are participating.

Proposals for action

6. IFF recalled IPF proposals for action relevant to this programme element (in particular, E/CN.17/1997/12, paras. 40 (a) to 40 (r) and 132 (c)).

7. IFF called upon countries to:

(a) Implement effective measures to recognize, respect, protect and maintain traditional forest-related knowledge in sustainable forest management, including forest biological resources (as defined by the Convention on Biological Diversity) within their intellectual property rights, *sui generis* or other relevant systems for protection, as appropriate, taking into account the relevant work being advanced by the Convention on Biological Diversity and other relevant international agreements;

(b) Promote fair and equitable sharing of benefits, including consideration of payments, where appropriate, arising from the use of such knowledge, innovations and practices, in accordance with, *inter alia*, article 8 (j) and related provisions of articles 15, 16 and 19 of the Convention on Biological Diversity and other relevant international agreements and taking into account national law, with the holders of such knowledge, innovations and practices;

(c) Work with relevant international organizations to help to develop a common appreciation and understanding of the relationship between the intellectual property rights, *sui generis* or other relevant systems for protection, and the Convention on Biological Diversity, including work, as appropriate, on addressing issues related to the identification of origins of traditional forest-related knowledge, [*and including forest biological resources (as defined by the Convention on Biological Diversity),*] with a view to protecting such knowledge from inappropriate use;

(d) Develop or strengthen, as appropriate, and implement, at the national level, legislation and policies to achieve objectives under article 8 (j) and related provisions of the Convention on Biological Diversity, and support efforts by relevant international organizations and institutions regarding the protection and application of traditional forest-related knowledge, which can include the development of guidelines, in accordance with their mandates.

8. IFF invited the Conference of Parties of the Convention on Biological Diversity, with the participation of indigenous people and local communities, through the Ad-Hoc Open-ended Inter-sessional Working Group, in its programme of work, under the related provisions of the Convention on Biological Diversity, to include options for collecting, recording, applying and locating traditional forest-related knowledge, recognizing the need to foster the wider application of such knowledge, innovations and practices, with the [*legal/official prior/informed*] approval and involvement of the holders.